



PATENT  
Docket No. 377882001600

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Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on May 22, 2003.

*Tami M. Procopio*  
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST and Joseph J. EIDEN,  
Jr.

Serial No.: 09/802,685

Filing Date: March 9, 2001

For: METHODS OF PREVENTING AND  
TREATING VIRAL INFECTIONS  
USING IMMUNOMODULATORY  
POLYNUCLEOTIDE SEQUENCES

Examiner: J. Woitach

Group Art Unit: 1632

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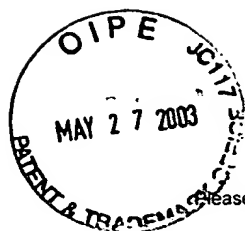
RESPONSE TO RESTRICTION REQUIREMENT AND  
PRELIMINARY AMENDMENT

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed April 25, 2003 which sets forth a restriction requirement for pending claims 1-10 in the above-identified application. A response to this action is due May 25, 2003. Accordingly, this response is timely filed.

Prior to examination on the merits, Applicants respectfully request entry of this Preliminary Amendment for this application.



1632

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/802,685
	Filing Date	March 9, 2001
	First Named Inventor	Gary VAN NEST
	Group Art Unit	1632
	Examiner Name	Joseph T. Voitach
Total Number of Pages in This Submission	Attorney Docket Number	377882001600

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**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Return Postcard
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	MORRISON & FOERSTER LLP Karen R. Zachow - 46,332
Signature	<i>Karen R. Zachow</i>
Date	May 22, 2003

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Dated: 5/22/03 Signature: Tami M Procopio (Tami Procopio)